RESERVATION OF POSTS IN GOVERNMENT SERVICE WHILE GIVING PROMOTIONS TO SELECTION POSTS.

*Q.—1076 Sri K. KENCHAPPA (Hiriyur).—

Will the Government be pleased to state:—

(*a*) whether they are aware that the Supreme Court has recently decided that the principle of reservation in Government services in respect of Backward Classes and Scheduled Caste should be followed by Government not only at the stage of initial appointments but also at the time of giving promotions to selection posts :

(*b*) whether they have taken any steps to give effect to the above decision of the Supreme Court :

(*c*) whether they are aware that the neighbouring States of Andhra and Madras have already taken steps to give effect to the reservation principle as per the decision of the Supreme Court :

(*d*) whether they will take immediate steps to implement the said decision in respect of Government appointments ?

A.—Sri B. D. JATTI (Chief Minister).—

(*a*) Yes.

(*b*) The matter is under consideration. The procedure followed by the Central Government is being ascertained.

(*c*) This Government is not aware.

(*d*) *Vide* answer to clause (*b*).

ಡಾಕ್ಟರ್ ಬಿ. ಕೆ. ನಾಗನೂರ್.—(ಎ) ಪ್ರಶ್ನೆಗೆ ಉತ್ತರವಾಗಿ "ಹೌದು" ಎಂತ ಹೇಳಿದ್ದಾರೆ. ಸುಪ್ರೀಂ ಕೋರ್ಟಿನವರು ತೀರ್ಮಾನಕೊಟ್ಟು ಇಷ್ಟುದಿವಸಗಳಾಗಿದ್ದರೂ ಇಲ್ಲಿಯತನಕ ರಾಜ್ಯ ಸರಕಾರದವರು ಏಕೆ ಕೈಕಟ್ಟಿಕೊಂಡು ಸುಮ್ಮನೆ ಕುಳಿತಿದ್ದರು?

†ಶ್ರೀ ಬಿ. ಡಿ. ಜತ್ತಿ.—ಈ ವಿಚಾರದಲ್ಲಿ ಮುಂದೆ ಯಾವ ರೀತಿ ಮಾಡಬೇಕೆಂಬ ಬಗ್ಗೆ ನಾವು ಕೇಂದ್ರ ಸರ್ಕಾರಕ್ಕೆ ಬರೆದು ಕೇಳಿದ್ದೇವೆ.

Sri U. M. MADAPPA.—Since how long it is under the consideration of Government ?

Sri B. D. JATTI.—Since about a month or so.

Sri J. B. MALLARADHYA.—Is it in the Concurrent List or a Central subject ?

ಈಗ ತಾನೇ ಮಾನ್ಯಮುಖ್ಯಮಂತ್ರಿಗಳು ಕೇಂದ್ರ ಸರ್ಕಾರಕ್ಕೆ ಬರೆದು ಕೇಳಿದ್ದೇವೆಂತ ಹೇಳಿದರು. ಈ ವಿಚಾರದಲ್ಲಿ ಕೇಂದ್ರ ಸರ್ಕಾರದವರನ್ನು ಕೇಳದೆ ಹಾಗೆ ರಾಜ್ಯ ಸರ್ಕಾರದವರು ಕಾರ್ಯಕ್ರಮ ಕೈಕೊಳ್ಳಲು ಅವಕಾಶವಿಲ್ಲವೇ ಎಂದು ಕೇಳುತ್ತೇನೆ.

Sri B. D. JATTI.—It is a matter wherein the interpretation of a constitutional provision is involved. We feel it is better to get the opinion of the Government of India so that it will be a proper guidance for us to carry on the administration.

Sri J. B. MALLARADHYA.—What steps have they taken to ascertain the practice in the adjoining States in regard to this matter ?

Sri B. D. JATTI.—We have not referred any matter to the neighbouring States. We have referred this matter to the Government of India, Home Department.

Sri U. M. MADAPPA.—Is it the opinion of the Government that they have taken a decision to introduce the system but only they have to ascertain the procedure from the Central Government ?

Sri B. D. JATTI.—Before implementing the decision of the Supreme Court, the Government of Mysore wanted to know the correct procedure to be followed from the Government of India.

Sri U. M. MADAPPA.—So I take it that the Government have taken a decision to implement the decision of the Supreme Court, but only it wants to know what is the procedure to be followed, from the Government of India.

Sri B. D. JATTI.—Before implementing the decision of the Supreme Court, the Government of Mysore wants to know what is the procedure, what is the repercussion, if it is implemented.

Sri J. B. MALLARADHYA.—Have they got a copy of the Judgement of the Supreme Court and have got it examined by the Legal Branch of the Secretariat and what are the recommendations ?

Sri B. D. JATTI.—The Government have got a copy ; they looked into judgement. After that, the Government of Mysore has referred the matter to the Government of India.

Sri C. K. RAJAIAH SHETTY.—Has the Supreme Court given a decision only in respect of selection posts or in regard to both promotions and selection posts ?

Sri B. D. JATTI.—This is specifically referring to the promotion quota. So the problem has arisen.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಸುಪ್ರೀಂ ಕೋರ್ಟಿನವರು ಕೊಟ್ಟಿರುವ ತೀರ್ಮಾನ ಸರ್ಕಾರದವರು ಕ್ರಮಬದ್ಧವಾಗಿ ನಡೆಸಬೇಕಾಗಿದ್ದ ಕಾರ್ಯಾಚರಣೆಗಳನ್ನು ಕ್ರಮವಾಗಿ ಕಾನೂನಿಗೆ ಹೊಂದಾಣಿಕೆಯಾಗುವಂತೆ ನಡೆಸುತ್ತಿಲ್ಲವೆಂದಿರುವಾಗ ಮತ್ತೆ ರಾಜ್ಯ ಸರ್ಕಾರದವರು ಕೇಂದ್ರ ಸರ್ಕಾರದವರಿಂದ ಬರೆದುಕೊಳ್ಳಬೇಕಾದ ಅಂಶವೇನಿತ್ತು ?

Sri B. D. JATTI.—Government cannot sit in judgement on the Supreme Court decision. We will have to accept as it is. What is going to happen, if it is accepted, is the point at issue. We are trying to get clarification from the Government of India.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಸುಪ್ರೀಂ ಕೋರ್ಟಿನವರು ಕೊಟ್ಟಿರುವ ತೀರ್ಮಾನ ಕ್ರಮಬದ್ಧವಾಗಿರುವಾಗ ಮತ್ತೆ ಕೇಂದ್ರ ಸರ್ಕಾರದವರಿಂದ ತಿಳುವಳಿಕೆ ಪಡೆಯಬೇಕಾಗಿದ್ದ ಪ್ರಮೇಯವಾದರೂ ಏನಿತ್ತು ?

Sri B. D. JATTI.—The Supreme Court has not given any procedure to be followed in implementing the decision. That is why we want to get clarification.

ಶ್ರೀ ಕೆ. ಕೆಂಚಪ್ಪ.—ಹಾಗಾದರೆ ಅನುಸೂಚಿತ ಜಾತಿಗಳ ಹಾಗೂ ಹಿಂದುಳಿದ ವರ್ಗಗಳ ಪ್ರಥಮ ನಾಕರಿ ನೇಮಕ ಮತ್ತು ಬಡ್ತಿಸ್ಥೈರ್ಯಗಳನ್ನ ಅವರ ನೇಮಕದ ಬಗ್ಗೆ ಅನುಸರಿಸಬೇಕಾಗಿದ್ದ ಕ್ರಮಬದ್ಧವಾದ ನಡವಳಿಕೆಗಳನ್ನು ಸರ್ಕಾರದವರು ಅನುಸರಿಸುತ್ತಿಲ್ಲವೆಂಬ ವಿಚಾರ ತಾನೇ ಸುಪ್ರೀಂ ಕೋರ್ಟಿನ ಮುಂದೆ ತೀರ್ಮಾನಕ್ಕೆ ಬಂದಿದ್ದುದು ?

Sri B. D. JATTI.—This is a matter concerning some appointments in Class III in the Railway Board and there are according to my information four categories in Class III : Court Inspectors on Rs 200 to 300 ; second : Court Inspectors on Rs. 260—350 ; Chief Court Inspectors on Rs. 300 to 400 ; Chief Court Inspectors on Rs. 360-500. When the persons from the fourth category are to be promoted to I, II and III, the question of promotion comes, whether at that time reservation can be made through the Schedule Castes and Tribes or the Backward Classes Commissoin ; that is the point at issue.

2-00 P.M.

Sri R. CHENNIGARMIAH.—The Chief Minister was pleased to state that the Government of India is approached for a clarification. May I know whether the Government of India can give different clarification on the judgment of the Supreme Court?

Sri B. D. JATTI.—No Sir; Government of India cannot give a different clarification. But the point is, what happens if we implement it. On that we wanted a clarification.

Sri K. PUTTASWAMY.—May I know whether the Government is aware that in the erstwhile Government of Mysore such a principle was followed some time before?

Sri B. D. JATTI.—Sir, some time back it was dicided by the Government of Mysore that 8¾ per cent reservation should be kept for promotion but it was not accepted; it was revised.

Sri K. PUTTASWAMY.—May I know whether the Government intend following the principle laid down by the judgment of the Supreme Court?

Sri B. D. JATTI—Sir, there is no other alternative to any Government except accepting the decision of the Supreme Court.

Sri M. C. NARASIMHAN.—If you follow the judgement, what is the percentage for promotion of the S.C.?

Sri B. D. JATTI.—That is a different matter; that will have to be worked out after getting the information.

Sri J. B. MALLARADHYA.—Pending getting the information from the Government of India, can they keep the cases coming under the category, till they get the information?

Sri B. D. JATTI.—That will be considered Sir.